



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Meeting Date: June 20, 2016

Reference Name	Witherspoon Garrett Road (A1500023)	Review Jurisdiction	City
Applicant	Coulter Jewell Thames, PA (Andrew Porter)		
Proposed Future Land Use Map Amendment	From: Office (4.28 ac.) To: Low Density Residential (4 DU/Ac. or less) (4.28 ac.)		
Site Characteristics	Tier	Suburban	
	Present Use	Vacant	
	Size of Future Land Use Amendment	4.58 acres	
	Size of Zoning Map Change	4.58 acres	
Location	4800 Garrett Road, on the west side of Garrett Road, midway between US 15-501 Highway and Old Chapel Hill Road		
Overlay District(s)	None		
PIN	0800-04-81-0900		
Staff Recommendation	Approval, based on consideration of adopted plans, compatibility, impacts, and site dimensions.		
Planning Commission Recommendation	Approval, 11-2 on April 12, 2016 based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing.		

A. Summary

The applicant is proposing to change the Future Land Use Map (FLUM) designation of one parcel of land located at 4800 Garrett Road, on the west side of Garrett Road, midway between US 15-501 Highway and Old Chapel Hill Road from Office (4.28 acres) to Low Density Residential (4 DU/Ac. or less) (4.28 ac.) to allow for the accompanying zoning map change, case Z1500037. The associated zoning application commits to agricultural and accessory uses in the Residential Rural designation which is consistent with the requested FLUM category of Low Density Residential (4 DU/Ac. or less).

B. Site History

There have been no recent development applications on this site.

C. Existing Site Characteristics

The site is in the Suburban Tier comprised of a single parcel of 4.58 acres located at 4800 Garrett Road, on the south side of Garrett Road approximately midway between US 15-501 Highway and Old Chapel Hill Road. The parcel is developed as community service and office facility housed in a two story brick building of 5,905 square feet and associated parking. The rear portion of the site is undisturbed and includes a mapped special flood area which has recently expanded with preliminary data provided by the 2/21/2014 revisions accepted by FEMA. A 0.21-acre portion of the site, in the southwest corner, is located within the New Hope Creek Bottomland Forest according to the New Hope Corridor Open Space Master Plan.

D. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan* (see UDO Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject site is of adequate shape and size to accommodate the proposed change.

1. Criteria A: Consistency with Adopted Plans and Policies

The *Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. The following policies were determined to be relevant in evaluating the subject plan amendment request:

2.1.3d Residential Defined. *Primarily land designated for a range of residential densities and uses. Table 2-1 displays the residential future land use categories that are allowed within each Tier.*

Staff Analysis: The requested residential land use category is consistent with Table 2-1 which allows the Low Density Residential (4 DU/Ac. or less) in the Suburban Tier.

2.1.3f Office Defined. *Land used primarily for office uses. This land use category may be accommodated by the Office and Institutional (OI) zoning district and the Mixed Use (MU) district.*

Staff Analysis: This proposal is requesting to remove the Office designation on the site. Since this plan amendment accompanies a zoning map change request to designate the site as Residential Rural (RR), thus changing the permitted uses on the property to non-office uses, staff concurs that policy 2.1.3f can be removed in place of a residential designation consistent with the proposed zoning map change request.

2.2.2b Suburban Tier Land Uses. *Land uses that shall be allowed in the Suburban Tier include:*

- i. *Recreation and Open Space;*
- ii. *Agricultural;*
- iii. *Residential;*
- iv. *Institutional;*
- v. *Commercial;*
- vi. *Research/Research Applications; and*
- vii. *Industrial*

Staff Analysis: The requested residential land use category as well as the accompanying zoning map change (see case Z1500037) that commits to agriculture as the primary use are consistent with policy 2.2.2b.

Policy 2.3.1a. Contiguous Development. *Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.*

Staff Analysis: This proposal supports orderly development patterns per Policy 2.3.1a by redeveloping a site that is adjacent to existing development and has access to existing urban services.

2.3.1d Office Uses as Transition. *Through the Future Land Use Map, utilize office space as a complement to commercial space, providing a transition between commercial and residential areas in the Urban and Suburban Tiers.*

Staff Analysis: This site is bordered by Office to the north, Medium-High Density Residential (8-20 DU/Ac.) to the south, Medium Density Residential (6-12 DU/Ac.) and Recreation and Open Space to the west, and Office and Medium Density Residential (6-12 DU/Ac.) to the east. Removing the Office designation of the site would not violate policy 2.3.1d because there is no Commercial designation or uses adjacent to the site.

Policy 2.3.2a., Infrastructure Capacity. *In evaluating changes to the Future Land use Map and Zoning Atlas, the City-County Planning Department shall consider impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. In order to assess the impact on infrastructure and services of changes to the Future Land Use and Zoning Maps, the City-County Planning Department shall measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.*

Staff Analysis: The site could accommodate the proposed use. Existing infrastructure, such as road, water, and sewer capacity, is sufficient to accommodate potential impacts. Further detail is provided in the zoning map change report.

Policy 2.5.2e., Demand for Land Uses. *In evaluating changes to the Future Land Use Map, the Governing Boards, the City-County Planning Commission, and the City-County Planning Department shall consider the projected need for requested land use in the future, in accordance with Table 2-4, as may be updated from time to time.*

Staff Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for land uses. Removing 4.28 acres of Office would not impact the projected 2035 demand; thus, resulting in a 66 acre surplus gap. The proposed plan amendment would not result in any projected land use capacity shortage.

Table 1: Land Use Demand Analysis				
Land Use	Projected Demand, 2035	Future Land Use Capacity	Request	New Future Land Use Capacity
Office (acres)	2,830	2,900	Remove 4.28	2,896
Recreation and Open Space	There is no projected land use demand data for this future land use category. See policy 2.1.3b above.		Remove 0.30	N/A
Residential (dwelling units)	189,000	225,000	N/A*	N/A*

*Note: The associated zoning map change case includes a commitment for agricultural use on this site. If approved, no residential would be permitted.

7.1.7a Water Demand Generation Rates. *The City-County Planning Department shall utilize the most recent information on water demand, as provided by the Water Management Department to determine and report the impact of the proposed zoning and plan amendment changes on water demand.*

Staff Analysis: Similar to policy 2.3.2.a above, existing water infrastructure, is sufficient to accommodate potential impacts. Further detail is provided in the zoning map change report.

Staff Conclusion: Staff concludes the proposed change from Office (4.28 ac.) to Low Density Residential (4 DU/Ac. or less) (4.28 ac.) is consistent with the intent, goals, objectives, policies, and guiding principles of any applicable adopted plan per UDO 3.4.7A.

2. Criteria B: Compatibility with Existing Development and Future Land Use Patterns

The site is in the Suburban Tier comprised of a single parcel of 4.58 acres located at 4800 Garrett Road, on the south side of Garrett Road approximately midway between

US 15-501 Highway and Old Chapel Hill Road. The parcel is developed as a community service facility housed in a two story brick building of 5,905 square feet and associated parking.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial, office, undeveloped	Office, Recreation and Open Space
East	Multi-family residential, undeveloped	Office, Medium-High Density Residential (6-12 DU/Ac.), Recreation and Open Space
South	Multi-family residential	Medium-High Density Residential (8–20 DU/Ac.), Recreation and Open Space
West	Vacant, open space	Medium Density Residential (6-12 DU/Ac.), Recreation and Open Space

Staff Analysis: Amending the future land use designation of the site from Office to Low Density Residential (4 DU/Ac. or less) for a committed agricultural use (see accompanying zoning map change report Z1500037) would essentially replace one nonresidential use with another. While typical agricultural uses spark images of vast acres of farmland in a rural setting, the proposed agricultural use proposes 60,000 square feet of structures potentially developed across a special flood hazard area. However, the intensity of the proposed use is not out of character of the area but consideration ought to be given to the environmental resources on the site and in the vicinity.

Staff Conclusion: In consideration of UDO 3.4.7B, staff concludes the proposed plan amendment is compatible with the existing development in the area because it accommodates a nonresidential use that would replace an existing nonresidential use on the site.

3. Criteria C: Substantial Adverse Impacts

When evaluating plan amendment proposals, through Criteria A (consideration of adopted policies) and Criteria B (consideration of compatibility) staff assesses potential impacts to the adjacent area and City and County in general.

Staff Conclusion: The proposed amendment is not projected to have any substantial adverse impacts in the adjacent area or the City or County in general. The proposed land use would allow similar development to the properties already developed in the area.

4. Criteria D: Adequate Shape and Size

The area for which an amendment is requested is 4.58 acres, and is of sufficient shape and size for an agricultural use accommodated by the residential future land use designation in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and therefore meets criterion 3.4.7D.

E. Applicant's Plan Amendment Justification

The applicant has provided a justification to explain their reasoning for the plan amendment request. While Planning Staff has reviewed the document, staff makes no representation regarding support or critique of the views offered. Please refer to Attachment 4, Applicant's Justification Statement.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Trenton Homeowners Association
- Jordan Lake Resource Management
- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

G. Recommendations

Staff recommends approval, based on consideration of adopted plans, compatibility, impacts, and site dimensions.

Planning Commission recommends approval, by a vote of 11-2 on April 12, 2016, based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing.

H. Staff Contacts

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I. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context Map
Attachment 3, Aerial Map
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Summary
Attachment 6, Comprehensive Plan Amendment Resolution